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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,793	02/15/2001	Noel Ray Marchbanks	1182a	2725

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EXAMINER

WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,793

Applicant(s)

MARCHBANKS ET AL.

Examiner

Richard C Weisberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-16 lack sufficient technology. The PTO requires reference to a computer both in the preamble and in the body of the claim. Relying on Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001)(Unpublished), the instant claims represent merely an abstract idea.

Claim Rejections - 35 USC § 112

2. Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the Claims

The examiner's comments are within parentheses following the claimed limitation at issue. Unless otherwise indicated, the examiner's remarks should be applied in each subsequent use the same language.

1. A method of billing, the method comprising in a billing system for a communication network, generating account information related to provisioning a communication service from a third party network for a customer;
receiving network information from the communication network into the billing system;

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in the billing system, processing the network information to determine network charges related to usage of the communication network by the customer (The step of processing network information to determine network charges is vague and indefinite.

What information is inputted into the algorithm to generate the charges?);

receiving third party information from the third party network into the billing system;

in the billing system, processing the third party information to identify the account information and determine (The step of determining is unclear.) third party charges related to usage of the third party network by the customer;

in the billing system, calculating a single invoice for the customer that includes the network charges and third party charges; and in the billing system, generating the single invoice.

2. The method of claim 1 wherein the account information is an account record (An account record is vague and indefinite.) for the communication service.

3. The method of claim 1 wherein the network charge is an equipment charge.

4. The method of claim 1 wherein calculating the single invoice is based on a customer profile (Customer profile is vague and indefinite. How does this limitation further limit claim 1?) and further comprises identifying the customer profile for the customer.

5. The method of claim 1 wherein calculating the single invoice further comprises calculating a discount (Calculating a discount is unclear. How is the discount calculated?)

6. The method of claim 1 wherein calculating the single invoice comprises calculating taxes.

7. The method of claim 1 wherein calculating the single invoice comprises verifying (The step of verifying is unclear. What steps are used in the verification process?) the calculation of the single invoice.

8. The method of claim 1 further comprising:
generating and transmitting an order record (The order record is unduly vague.) to the third party network; and receiving and processing a response (What constitutes a response?) to the order record from the third party network.

9. A billing system (A system is unclear as it can read on a method or an apparatus.) for a communication network comprising:

a call processing system connected to the communication network and a third party network and configured to generate account information related to provisioning a communication service from the third party network for a customer, receive network information from the communication network, process the network information to determine network charges related to usage of the communication network by the customer, receive third party information from the third party network, and process the third party information to identify the account information and determine third party charges related to usage of the third party network by the customer; and
an invoice system connected to the call processing system and configured to calculate a single invoice for the customer that includes the network charges and third party charges and generate the single invoice.

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3. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

4. In response to this requirement, please state the specific improvements of the subject matter in claims 1-16 over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts.

5. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

6. This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

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Respectfully Examined By,

A handwritten signature in black ink, appearing to read "Richard C. Weisberger", written over a horizontal line.

Richard C. Weisberger

Tel# 703 308 4408